

put before the jury at trial in this matter relating to customers' alleged losses, including, without limitation, through the testimony and exhibits offered through Darren Seay.

3. For the purposes of paragraph 2, the Government agrees that Mr. Hazelwood may make the argument made in his sentencing-related motions under U.S.S.G 2B1.1, Application Note 3(e) as a basis for variance. Mr. Hazelwood agrees that he will not argue U.S.S.G 2B1.1, Application Note 3(e) as a basis to reduce the 18-point enhancement under U.S.S.G. 2B1.1 (b)(1)(J).

4. The Government agrees that it will make no argument at sentencing that Mr. Hazelwood should be punished more severely, or that the Court should decline to award a downward departure or variance, based on any alleged actual loss or intended loss above \$5,000,000 or any other actual victim not included in the Government's Loss Table, which was submitted to the Court on August 1, 2018 (Doc. 620-1), or any other actual or intended victim not identified in evidence admitted at trial. However, Mr. Hazelwood and the Government agree that the Government is not foreclosed by this stipulation from continuing to advance previously made arguments based on evidence admitted at trial related to the February 18, 2013 Orlando, Florida meeting, and Mr. Hazelwood is not foreclosed from continuing to defend against those arguments.

[SIGNATURES FOLLOW ON NEXT PAGE]

IT IS SO STIPULATED AND AGREED:

BY THE UNITED STATES


s/ Francis M. Hamilton III

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9/17/2018

Date

Attorneys for the United States of America

BY DEFENDANT MARK HAZELWOOD



Mark Hazelwood

9/18/2018

Date



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